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JUL 03 2014

July 2, 2014

**SO ORDERED****By Facsimile to (212) 805-6737**

Hon. George B. Daniels  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

The conference is adjourned to  
August 14, 2014 9:30 a.m.

JUL 03 2014

Re: EEG, Inc. v. Empire Education Corporation  
Case No.: 14-cv-03248 (GBD) (S.D.N.Y.)

**HON. GEORGE B. DANIELS**

Dear Judge Daniels:

This firm represents defendant Empire Education Corporation ("EEC"). I write on behalf of EEC to request an adjournment of the Rule 16 conference that is currently scheduled for July 10, 2014.

The plaintiff filed this case on May 5, 2014, but has not yet served EEC. The parties have been engaged in discussions regarding a potential private resolution of this matter.

Counsel for EEC have asked the plaintiff's lawyers if they would join a request to adjourn the Rule 16 conference in light of the fact that the Complaint has not been served and that the defendant has therefore not appeared. While the plaintiff's counsel indicated a willingness to request such an adjournment in a telephone conference, they have not responded to EEC's inquiries over the past several days.

Accordingly, EEC respectfully requests a 30-day adjournment of the Rule 16 conference. EEC believes that it will serve the interests of judicial economy to postpone the conference until after EEC appears and asserts its defenses and potential counterclaims.

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This is ECC's first request for an adjournment of the Rule 16 conference, and no previous adjournments have been granted. EEC does not know whether the plaintiff consents to this request because EEC has not received a response to its inquiries. The plaintiff's lawyers have never articulated any objection to the request.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "K. Kearney", written over a horizontal line.

Kevin M. Kearney

cc: Robert J. Fluskey, Jr. (defense counsel, by email)  
Gregory Gulia (plaintiff's counsel, by email)  
Sarah Peyronnel (plaintiff's counsel, by email)